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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,942	02/08/2005	Giuseppe De'Longhi	23192	3137

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The firm of Karl F Ross
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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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07/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,942	Applicant(s) DE'LONGHI, GIUSEPPE	
	Examiner Quang T. Van	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 10-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 10-13, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the term "the one resistors has two short and opposed portions that remain cold upon electrical energization of said one resistor", recited in lines 2-4, is failed to comply with the enablement requirement. How cans one resistor with electric current run through has portions remain cold and others are heated? Clarification or delete of claim is requested.

Claim Objections

3. Claims 10 is objected to because of the following informalities: The term "the one resistors" recited in line 2, has a typo error and should be changed to "the one resistor". Appropriate correction is required.

Claim Rejections - 35 USC § 102

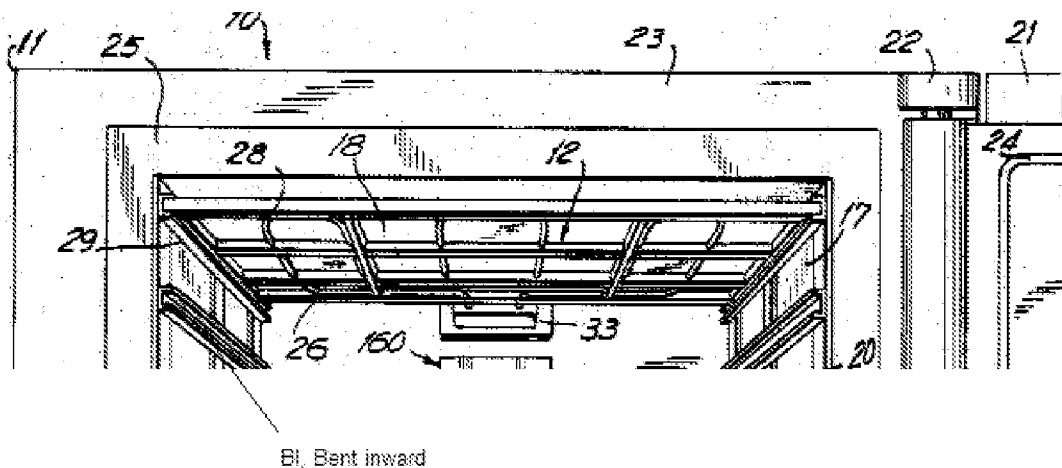
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

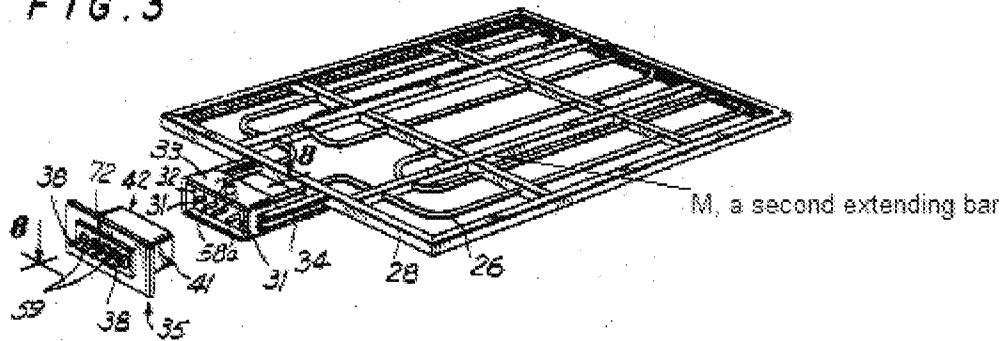
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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Olof Fingal Christiansson (US 3,548,154) previously recited. Olof Fingal Christiansson discloses an electric heating oven comprising a housing (10); a plurality of resistors (26, Figure 1) in the housing electrically energizable to radiate heat, at least one of the resistors (26) having a longitudinally extending portion and subdividing the housing into an upper baking chamber and a lower baking chamber; and a support frame in the housing and including a pair of longitudinally extending first bars (28) flanking and slidably receiving the portion of the one resistor (26) and forming a longitudinally extending seat therefore, a second longitudinally extending bar (M, Figure below) being oriented so as to deflect radiant energy from the portion into the lower chamber, second transversely extending bars (29) bent upward and connected to said first bars (Figure below), and portions bent inward (BI) and holding the portion of the one resistor in the seat.



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FIG. 3

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olof Fingal Christiansson (US 3,548,154) in view of Thomas (US 4,623,781) both previously recited. Olof Fingal Christiansson discloses substantially all features of the claimed invention except resistor control means. Thomas discloses resistor control means (28, co. 10, lines 30-63). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Olof Fingal Christiansson resistor control means as taught by Thomas in order to turn the resistor on and off to control the temperature of the oven.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olof Fingal Christiansson (US 3,548,154) in view of Jordan (US 3,270,183) both previously

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recited. Fingal Christiansson discloses substantially all features of the claimed invention except a control means comprises a bimetallic thermostat electrically connected in series with said resistor. Jordan discloses a control means comprises a bimetallic thermostat (75) electrically connected in series with said resistor (col. 8, lines 39-68). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Olof Fingal Christiansson a bimetallic thermostat electrically connected in series with said resistor as taught by Jordan in order to control the temperature inside the oven.

Response to Amendment

9. Applicant argues that "Christiansson lacks specifically recited structure of amended claim 17, namely two "baking" chambers and a "longitudinal" bar extending above a "longitudinal" portion of the heater. The examiner disagrees. Christiansson discloses two baking chambers defined by the space above and below a resistor (26), and the two baking chambers spaces are depended on the location of the resistor (26) is connected to different level contacts (57) which are attached to the back wall (Figure 1). Therefore, Christiansson is clearly defined the two chambers. Christiansson also discloses a "longitudinal" bar (M, Figure above) extending above a "longitudinal" portion of the heater (26).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/
Primary Examiner, Art Unit 3742
July 6, 2009

Quang T Van
Primary Examiner
Art Unit 3742